UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

HEARTLAND HUMAN SERVICES,)
Employer,))
and) Case No. 14-RD-063069
CODY PHILLIPS,))
Petitioner,))
and)
AMERICAN FEDERAL OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), COUNCIL 31, AFL-CIO))))
Union.))

REQUEST FOR REVIEW

COMES NOW Heartland Human Services by and through its attorneys, Sandberg Phoenix & von Gontard P.C., and requests review of the decision of the Regional Director, Daniel L. Hubbell, issued July 16, 2014 to approve the request to withdraw the petition in the above-styled case.

In support of its request for review, Heartland Human Services states as follows:

- 1. On August 11, 2011 Petitioner filed an RD petition with Region 14.
- 2. Pursuant to a consent election agreement and following the resolution of unfair labor practice charges filed by AFSCME, the parties agreed to an election which was held June 4, 2012.

- 3. As a result of the election process and related litigation, the Regional Director ordered a re-run election, a decision which was eventually upheld by the Board.
- 4. The Board's decision was then upheld by the U.S. Court of Appeals for the Seventh Circuit on March 14, 2014.
- 5. In July of 2014, Petitioner requested to withdraw the decertification petition, which was approved by the Regional Director on July 16, 2014.
- 6. Heartland Human Services believes that because of the unique posture of this case, the withdrawal should not be permitted. Those unique circumstances include the fact that the Board ordered a re-run election following extensive litigation over the decertification election held June 4, 2012. Further, the Court of Appeals affirmed the re-run election in its decision on March 14, 2014. Both this Board's decision and the decision of the Court of Appeals will be completely undermined if the approval of the request to withdrawal is not reversed. The entire two years plus of litigation over whether the subject unit employees want to be represented by AFSCME and which resulted in the eventual outcome of a re-run election would be thwarted. This case is now ripe for a re-run election in order to determine the will of the unit employees and that election should proceed. This case, as a result of all of the litigation, involves the interests of the unit members; not just the interests of the Petitioner.

Allowing the decertification petition to be withdrawn at this late stage completely undermines not only the policy behind the Act and the litigation unique to this case, but deprives the unit employees of the opportunity to express their will.

7. Heartland Human Services suggests to the Board that this review should be granted because the ruling by the Regional Director results in undue prejudice to the employer

and unit members and is contradictory to this Board's Order of May 17, 2013 and the decision, order, and mandate of the U.S. Court of Appeals for the Seventh Circuit.

THEREFORE, Heartland Human Services respectfully requests that the National Labor Relations Board grant the Request for Review of the Regional's Director decision to approve Petitioner's request to withdraw the RD petition in this case, reverse that decision, and proceed with a re-run election.

Respectfully submitted,

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Certificate of Service

The undersigned certifies that a copy of the foregoing was sent by electronic mail this 24th day of July, 2014, to the following:

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